

**City of York Board of Zoning Appeals
Minutes
May 15, 2023**

Members Present:

Chairperson James Ramere
Rodney Blair
Jill Neff
Bryant Brown
Myra Sinz

Members absent:

Becca Caldwell

Others present:

Planning Director Breakfield
Zoning Administrator Blackston
Planner Kim Womble
Utilities Director Wright
(See sign – in sheet)

Chairperson James Ramere called the meeting to order at 6:00 pm.

The first item of business was approval of the draft Minutes from the March 13, 2023 meeting. Upon a Motion by Bryant Brown, seconded by Jill Neff, the Board of Zoning Appeals (BZA) unanimously approved the Minutes as submitted.

The second item of business was discussion of a potential Executive Session for the receipt of legal advice due to legal matters.

Upon a Motion by Myra Sinz, seconded by Bryant Brown, the BZA voted unanimously to enter Executive Session; thereafter, the BZA reconvened regular session and indicated that no action was taken in Executive Session.

The third item of business was special exception request for a proposed single-family detached residential subdivision (Ratliff Heights) to be located at the intersection of Kings Mountain Street and Carroll Avenue.

Chairperson Ramere convened a public hearing regarding the application, announced an order of business for the public hearing and requested that City staff provide information regarding the application.

Planning Director Breakfield indicated the following regarding the application:

1. As Chairperson Ramere noted, the next item of business was a special exception application for the proposed Ratliff Heights single-family dwelling residential subdivision at the intersection of Kings Mountain Street and Carroll Avenue.
2. The applicant was Eastwood Homes and the property is referenced by York County Tax Map Id # 0700209023.
3. A rezoning application is being processed for this project as well. The applicant proposed to rezone the property from R15- Restricted Residential to R5- Multifamily Residential.

4. The applicant requested that the property be R5 to facilitate a desired project that would not be allowed under the current zoning classification. As with any rezoning application, the Planning Commission (PC) must review the application and then render a recommendation to York City Council. At a recent meeting, the PC recommended that York City Council approve the rezoning request; thereafter, City Council conditionally approved the rezoning application per the meeting Minutes provided in your packet.
5. In a R5 – Multifamily Residential Zoning District, single-family dwelling subdivisions are allowed only with special exception approval from the BZA. We received the special exception application and conceptual site plan that was provided in your meeting packet for a single-family dwelling subdivision to be located as previously noted.
6. As with any such special exception application, the PC must review the application and then render a recommendation to the BZA. The BZA must take the PC recommendation, conduct a public hearing(s), receive public feedback and make a final decision on the matter.
7. As the special exception application and conceptual site plan are reviewed, the BZA must be mindful that, among other things, the following factors must be addressed in the decision-making process:
 - The proposed design and location of the particular development.
 - The possible traffic-generating characteristics of the proposed development.
 - The effects of the proposed development on the present or intended character of the area in which it is proposed for location.
 - The availability of public utilities, facilities and services.
8. At a recent meeting, the PC recommended that the BZA conditionally approve the special exception application and conceptual site plan based on specified issues being addressed.
9. At the March 13th meeting, the BZA tabled action on this application per the provided Minutes.
10. The applicant has submitted the provided correspondence addressing noted BZA and City Council concerns.
11. Please be reminded of City Council's conditional rezoning approval described in the provided Minutes. Any approval of the special exception application should be based on the applicant complying with the noted requirements of City Council per the timeline described in provided correspondence from Eastwood Homes.
12. The applicant requested approval of the submitted special exception application, conceptual site plan and supporting information.
13. Please be mindful that the BZA has a maximum of 75 days from the initial public hearing regarding this application to make a decision regarding such applications; otherwise, the application is deemed approved. Since the application was originally discussed at the March 13 meeting, a decision will have to be rendered at this meeting.
14. If the application is denied, the same application cannot be submitted again for a period of at least one (1) year.
15. The BZA must conduct a public hearing(s), receive public feedback and make a final decision on the matter. The public hearing for this application is scheduled for this meeting.
16. As with all public hearings, the agenda was posted to a local newspaper, the City's website and at York City Hall; all adjacent property owners were notified by mail; the Public Hearing was duly advertised in a local newspaper and Public Hearing signage was posted on each affected property.

After closing the public hearing, discussion and upon a Motion by Rodney Blair, seconded by Bryant Brown, the BZA unanimously conditionally approved the special exception application based on all City requirements being met including the sidewalk requirements specified by City Council in accordance with correspondence presented by the applicant at the meeting.

The fourth item of business was special exception application for a cluster housing, single-family detached residential project for property located off of Rose Street near Williams Street.

Chairperson Ramere convened a public hearing regarding the application, announced an order of business for the public hearing and requested that City staff provide information regarding the application.

Zoning Administrator Blackston indicated the following regarding the application:

1. As Chairperson Ramere noted, the next item of business was a special exception/cluster housing application for a proposed single-family dwelling residential subdivision off of Rose St near Hunter St and Williams St.
2. The applicant was Amy Hutchins and the property is referenced by York County Tax Map Id #'s 0700604007, 0700604008, 0700604009, 0700604010 & 0700604011.
3. In a R7 – Residential Zoning District, cluster housing, single-family dwelling subdivisions are allowed only with special exception approval from the BZA. We received the special exception application and conceptual site plan that was provided in your meeting packet for a single-family dwelling subdivision to be located as previously noted.
4. As with any such special exception application, the PC must review the application and then render a recommendation to the Board of Zoning Appeals (BZA). The BZA must take the PC recommendation, conduct a public hearing(s), receive public feedback and make a final decision on the matter.
5. As the special exception application and conceptual site plan are reviewed, the BZA must be mindful that, among other things, the following factors must be addressed in the decision-making process:
 - The proposed design and location of the particular development.
 - The possible traffic-generating characteristics of the proposed development.
 - The effects of the proposed development on the present or intended character of the area in which it is proposed for location.
 - The availability of public utilities, facilities and services.
6. At a recent meeting, the PC recommended that the BZA conditionally approve the special exception application and conceptual site plan based on specified issues being addressed.
7. In particular, after discussing the alternative street construction proposal with City Attorney Brice, the Planning Commission and Board of Zoning Appeals do not have the authority to allow anything less than the full standard required by the City code because a street requirement is an “improvement” specification that cannot be waived or altered; furthermore, it is important that the minimum street standards not be varied for a number of reasons but most prominently for purposes of utilities, public safety and emergency personnel access/maintenance. In summary, per advice and requirements from the City Attorney and Utilities Director, the streets should be designed per standard City requirements and not the alternative method included in the submitted proposal.
8. At the March 13th meeting, the BZA tabled action on this application per the attached Minutes.
9. The applicant has submitted the provided drawing and correspondence regarding noted BZA concerns.
10. Any approval of the special exception application should at least be based on the applicant providing a minimum 20-ft wide paved street section that complies with all pertinent design specifications as well as minimum 6-ft tall, maintenance-free privacy fencing along all property lines shared with adjacent houses (example: vinyl fencing) and landscaping/buffers noted in the information from the applicant.
11. The applicant requested approval of the submitted special exception application, conceptual site plan and supporting information.
12. Please be mindful that the BZA has a maximum of 75 days from the initial public hearing regarding this application to make a decision regarding such applications; otherwise, the application is deemed approved. Since the application was originally discussed at the March 13th meeting, a decision will have to be rendered at this meeting.
13. If the application is denied, the same application cannot be submitted again for a period of at least one (1) year.
14. The BZA must conduct a public hearing(s), receive public feedback and make a final decision on the matter. The public hearing for this application is scheduled for this meeting.

15. As with all public hearings, the agenda was posted to a local newspaper, the City's website and at York City Hall; all adjacent property owners were notified by mail; the Public Hearing was duly advertised in a local newspaper and Public Hearing signage was posted on each affected property.

After closing the public hearing, discussion and upon a Motion by Myra Sinz to the deny the application, seconded by Rodney Blair; Jill Neff, Bryant Brown, Chairperson Ramere voted against the Motion. The Motion did not pass.

Jill Neff made a Motion, seconded by Bryant Brown, to conditionally approve the project based on all City requirements being met including providing a minimum 20-ft wide paved street section that complies with all pertinent City/SCDOT design specifications as well as minimum 6-ft tall, maintenance-free privacy fencing along all property lines shared with adjacent houses (example: vinyl fencing) and landscaping/buffers noted in the information from the applicant. Chairperson Ramere voted in favor of the Motion. Rodney Blair and Myra Sinz voted against the Motion.

There being no further business, the meeting was adjourned at 6:56 pm.

Respectfully submitted,

C. David Breakfield Jr., MCP, AICP
Planning Director

Amanda C. Blackston
Zoning Administrator

cc: City Manager Dalton Pierce
File- Board of Zoning Appeals 5/15/2023